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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,869

08/25/2003

Kang-heuy Lee

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EXAMINER

BODDIE, WILLIAM

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/646,869

Applicant(s)

LEE, KANG-HEUY

Examiner

William L. Boddie

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6, 8-17 and 19-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

With respect to the newly entered amendment, as the limitation is not seen as altering the scope of the claims, the rejections presented in the previous Office action are still seen as proper in addressing the limitations of the claims.

The Applicant's arguments presented in the Remarks, of the After Final amendment are not persuasive, and as such the rejections are maintained. Specifically, the Applicant argues on pages 7-8 of the Remarks, that Song does not disclose determining additional function information based on the frequency of use of the image processing apparatus. The Applicant argues that, "there is no distinction of frequency of use of functions between the use the simplified remote controller and the use of the graphic remote controller because both the volume selection and the channel selection are provided on both types of controllers."

The Examiner respectfully disagrees. While true, Song discloses including volume and channel controls on both the physical remote control and the graphic remote control, there is still certainly a distinction between functions. That distinction is specifically, that the additional functions, fast-rewind, multiple voice, for example are not supplied with individual buttons on the physical remote control. As expressly stated by Song, "wherein the frequently used input keys related with power, channel and volume are only used under the normal conditions" (Song; col. 2, lines 36-38).

Song has specifically reduced the number of buttons on the remote control to simplify the remote control. The "additional controlling buttons" were removed because they were seen as more of a hindrance and made the use of the remote controller inconvenient (Song; col. 2, lines 32-34). Song, recognizing that access to these now removed controls was still necessary, developed a graphic remote controller that provides access to these additional controlling functions that were once included in the physical remote controller. Song discloses, that the buttons left on the physical remote control are selected based on frequency of use. Song, expressly states, "wherein the frequently used input keys related with power, channel and volume are only used under the normal conditions" (Song; col. 2, lines 36-39).

In short, it seems clear to the Examiner that Song discloses, determining additional function information based on frequency of use of the image processing apparatus. Song expressly states that only frequently used input keys related with power, channel and volume control are available on physical remote control. All other functions (by definition less frequently used) must be accessed using the graphic remote control.

On page 9, the Applicant argues that because Ohyama does not disclose categorizing additional function information based on frequency of use, Ohyama does not suggest a controller differentiating between major functions and additional functions etc. The Applicant additionally argues that Chang removes features, which is different from the claimed invention, which the Applicant alleges, differentiates between major functions and additional functions.

Again the Examiner must respectfully disagree. Initially, simply because Ohyama does not disclose categorizing functions as additional based on frequency, is not seen as precluding Ohyama from instead disclosing a controller differentiating between major functions and additional functions etc. Ohyama does not expressly disclose how the functions are initially categorized into major and additional, but this does not change the fact that Ohyama does indeed differentiate between the two. Additionally it is worth noting that claim 21, does not require that all functions be divided into only two classes. All that is required is that additional functions be labeled as such based on their frequency of use. There is no requirement that major functions be used more often than additional functions. The controller must differentiate between major and additional functions, but there is no more mention of the relationship between major and additional functions.

It has been, and remains, the Examiner's position that it would have been obvious to one of ordinary skill in the art, upon being presented with the Ohyama and Chang references, to categorize the additional functions of Ohyama as additional functions based on their frequency of use. Chang very clearly details the categorization of the functions as additional functions in paragraphs 44, 47 and 50.

Finally, Chang's operation of removing features from the available selections is neither implicitly nor expressly forbidden from being included in the apparatus. As such its inclusion in Chang's invention does not prevent Chang from disclosing limitations of claim 21. As shown above, the rejections of claims 1-6, 8-17 and 19-21 are seen as proper and are thus maintained.